

CONFIDENTIAL
WEEKLY HOT ISSUES REPORT for RA/DRA Region 8
Week ending March 17, 2017

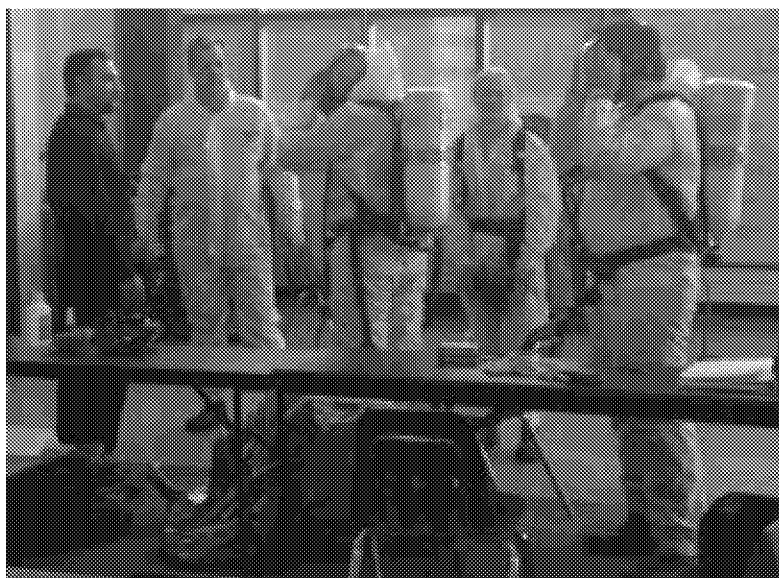
OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

This week

Final Graduation held on March 17 in Anaconda, MT for Lewis and Clark County's Brownfields Environmental Workforce and Job Training Grant

Key Message: Lewis and Clark County completes final Job training course under their Brownfields Environmental Workforce and Job Training Grant

- Five trainings held – three in Helena and two in Anaconda (Anaconda's 2nd training will be completed on March 17 with a graduation ceremony).
- Classes included a combination of some of the following: 40 hour HAZWOPER, First Aid/CPR, Lead RRP, Asbestos Contractor Supervisor, OSHA 10 – Construction, Flagger training, confined space entry, Commercial Driver's License and life skills such as resume and interview tips.
- Of the 34 participants that completed the first three trainings, twenty-six obtained employment including work in asbestos and lead abatement, excavation, structure demolition, insulation installation and Superfund remediation
- Seven veterans entered the training
- Lewis and Clark County will spend the next 6 months placing the graduates from the final two courses and tracking placements.
- Pictured below: Job training course held in Helena from January 23-February 10, 2017



R8 Hosts Brownfields Assessment Roundtable on March 14 & 15

Key Message: Brownfields Assessment grantees from all Region 8 states gathered to discuss strategies for maximizing re-development potential through shared experiences.

- The attendees set the agenda working with EPA
- Experienced grantees in attendance leveraged \$26 million in re-development and shared their tips for success with a mix of urban, rural, new, and experienced grant partners.
- Contact: Greg Davis, 312-6314

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

Previous Weeks

**No items to report*

This Week

The SDWA Enforcement Unit is issuing an Administrative Order to Larry Cage, Linda Cage, Billy Cage, and Patricia Cage, owners and Operators of Devils Tower View public water system, located in Crook county, Wyoming.

Key Message: The Administrative Order (Order) to Larry Cage, Linda Cage, Billy Cage, and Patricia Cage is for drinking water violations at the Devils Tower View public water system (System).

- EPA is taking this action because the state does not have delegation.
- The System is classified as a transient non-community water system serving approximately 40 individuals.
- The violations include failure to monitor for total coliform in July and August 2016.
- The Order requires the System to achieve and maintain compliance as required by the regulations.
- Contact: Metea Wright, 312-6023; Tiffany Cantor. 312-6521.

The SDWA Enforcement Unit is issuing an Administrative Order to Roxane Cretal and Kelly Garland, owners and operators of Flat Creek RV Park public water system located in Lincoln, Wyoming.

Key Message: The Administrative Order (Order) to Roxane Cretal and Kelly Garland is for drinking water violations at the Flat Creek RV Park public water system (System).

- EPA is taking this action because the state does not have delegation.
- The System is classified as a transient non-community water system serving approximately 55 individuals.
- The violations include failure to monitor total coliform in July and August 2016.
- The Order requires the System to achieve and maintain compliance as required by the regulations.
- Contact: Metea Wright, 312-6023; Tiffany Cantor, 312-6521

The SDWA Enforcement Unit is issues an Administrative Order to Big Cottonwood Pine Tree Water Company for SDWA violations in Salt Lake County, Utah.

Key Message: On March 10, 2017, ECEJ Region 8 sent the System its second administrative order violation letter to provide notice that EPA is considering filing a complaint as a result of the System's non-compliance.

- The Big Cottonwood Public Water System (System), located in Salt Lake County, Utah, regularly serves approximately 63 individuals daily at least 60 days of the year. The System has a history of non-compliance with the SDWA.
- After providing the State with an opportunity to confer, Region 8 issued an administrative order (AO) citing violations including Respondent's failure to correct significant deficiencies, exceedance of the total coliform maximum contaminant level (MCL), failure to monitor for total coliform and failures to provide notice to the State and the public of these violations.
- EPA further provided that if the System exceeded the MCL again while the AO was in effect, the System must submit a corrective action compliance plan and schedule to the State and EPA.
- Contact: Mia Bearley, 312-6554; Kathelene Brainich, 312-6481.

The SDWA Enforcement Unit is issues an Administrative Order to Camp Paint Rock public water system, located in Big Horn County, Wyoming.

Key Message: Region 8 issued an administrative order (Order) to the owner and operator of the System, Paint Rock Canyon Enterprises, LLC, and C5 Youth Foundation of Southern California, Inc., respectively, for drinking water violations at the System.

- The Camp Paint Rock Public Water System (System) supplies water from June through August to approximately 75 underprivileged urban Los Angeles students as a part of a mentoring program.
- Alleged violations are for failure to monitor for nitrate during 2015 and 2016.
- This is the third Order issued to the System in the last five years; the other two orders are still in effect for failure to monitor total coliform and the source water, and for failure to correct significant deficiencies.
- An escalated enforcement action is being initiated as a result of the continued non-compliance. The order requires the System to monitor as required by the regulations. EPA is taking this action because the state does not have delegation.
- Contact: Lauren Hammond, 312-7081; Kathelene Brainich, 312-6481.

NPDES Enforcement Plans to Conduct a Pretreatment Compliance Inspection of Boxelder Sanitation District in Ft. Collins, Colorado.

Key Message: National Pollutant Discharge Elimination System (NPDES) Enforcement plans to conduct a pretreatment compliance inspection (PCI) of the Boxelder Sanitation District (District) in Fort Collins, Colorado on April 4, 2017.

- The EPA directly implements the pretreatment program in Colorado.
- The District has an EPA-approved pretreatment program and implements the Pretreatment Regulations for industrial users in its service area.
- The purpose of the PCI is to verify compliance with the District's requirements to implement its pretreatment program.
- The PCI will also be attended by an EPA contractor (PG Environmental, LLC).
- The District will be notified of the PCI prior to the scheduled date.
- Contact: Emilio Llamozas, 312-6407; Stephanie DeJong, 312-6362

CERCLA Enforcement Program Recovers Approximately \$800,000 in response costs in bankruptcy from a PRP at the Lockwood Solvent Ground Water Plume site in Yellowstone County, Montana.

Key Message: EPA will receive \$807,209.24 in satisfaction of its bankruptcy proof of claim filed against Bealle Trailers, Inc. in 2013 in the United States Bankruptcy Court of the District of Oregon.

- Bealle Trailers is a PRP at the 580-acre Lockwood Solvent Ground Water Plume site, located on the outskirts of Billings in Yellowstone County, Montana.
- In 1986, Lockwood Water and Sewer District personnel discovered benzene and chlorinated solvents in their water supply wells. Subsequent investigations found a plume of groundwater contamination.
- The former Bealle facility manufactured and repaired tanker truck trailers primarily to transport asphalt.
- From 1978 to 1990, trailers were cleaned with industrial solvents and steam prior to maintenance or repair.
- The wastewater from the steam clean bay was discharged to a septic system and drain field.
- Contact: Andy Lensink, 312-6908

The Second Circuit Court of Appeals Affirms \$213 million judgement against the Renco Group and Ira Rennert for fraudulent conveyance, breach of fiduciary duty and unjust enrichments claim brought by the chapter trustee for the Magnesium Corporation of America's and the Renco Groups' bankruptcy estates.

Key Message: Mag Corp and its parent corporation, Renco Metals, filed for bankruptcy under Chapter 11 in August 2001. In September 2003, after the magnesium facility was sold, the case was converted to Chapter 7. The Chapter 7 trustee brought an action against the Renco entities to recover dividends that rendered Mag Corp insolvent. In 2015, the case was tried to a jury and a verdict in favor of the trustee was rendered. The Renco entities appealed to the Second Circuit. ECEJ has filed a claim in excess of \$100 million in the bankruptcy cases for response costs incurred and to be incurred at the US Magnesium Site.

- Magnesium Corporation of America (Mag Corp) is the former owner and operator of the US Magnesium Superfund site in Rowley, Utah.
- The Site is an active magnesium processing facility subject to corrective action and regulation under the Resource Conservation and Recovery Act and a Superfund site listed on the National Priorities List on November 4, 2009.
- Contact: Andrea Madigan, 312-6904

The Pesticides Enforcement Unit settles FIFRA violations with hydroponics and organics supply store in Northglenn, Colorado.

Key Message: On March 9, 2017, the Regional Judicial Officer, Katherin Hall, issued a final order approving a Combined Complaint and Consent Agreement (CCCA) between EPA Region 8 and The Grow Depot, Inc. (Respondent) located in Northglenn, Colorado.

- ECEJ alleged in the CCCA that Respondent violated the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and underlying regulations by repackaging unregistered pesticides into smaller containers and selling them to the public.
- Respondent was also in violation for failing to allow an EPA inspector access to the store to inspect its products and records.
- Many of the violations were documented by a prior Colorado Department of Agriculture inspection and subsequent information request.
- In the CCCA, Respondent agreed to pay a \$27,500 penalty to resolve the allegations.
- Contact: Marc Weiner, 312-6913; David Golden, 312-6501.

Next Week

**No items to report*

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

Montana Regional Haze Federal Implementation Plan (FIP) revision

Key Message: Region 8 is preparing a proposed revision to its September 18, 2012 Montana Regional Haze FIP for the RA's signature (by the end of March 2017) to address a new NO_x Best Available Retrofit Technology (BART) emission limit for Oldcastle Materials Cement Holdings' Trident cement kiln, based on the company's request and in light of new technical information collected by the EPA.

- Oldcastle cannot meet its current FIP NO_x limit.
- The revised FIP with the new less stringent NO_x emission limit must be effective before October 18, 2017, or Oldcastle will be in non-compliance with its current NO_x BART limit.
- The Administrator must sign the final FIP rulemaking.
- Region 8 is working with the Office of Air and Radiation and the Office of Policy through the identified elevation process for the Administrator's review, so publication of our proposed action can occur by mid-April without delay.

- Contacts: Monica Morales 312-6936; Jaslyn Dobrahner 312-6252

OFFICE OF WATER PROTECTION

This Week

Draft Underground Injection Control (UIC) permits for proposed in-situ Uranium mining operation in South Dakota issued for public comment

Key Message: The draft UIC permits and proposed aquifer exemption for the Dewey Burdock project were issued on Monday, March 6th with no comment at this time from Tribes or other concerned parties.

- A comprehensive communication strategy has been implemented. The State of South Dakota, the Nuclear Regulatory Commission and 38 Tribal Nations were notified at the beginning of the public comment period.
- The Region has received some local press and private citizen inquiries asking for more information and clarification on EPA's proposed actions.
- The public comment period closes May 19th.
- Public hearings are scheduled for late April and early May in and around the proposed project site.
- Contact: Douglas Minter 312-6079

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report